

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Writ Petition No. 1509 (S/S) of 2007

Smt. Ganga Bisht
W/o Sri N.S.Bisht,
R/o Near Head Post Office, Pithoragarh,
District Pithoragarh.

..... Petitioner.

Versus

- (1) State of Uttarakhand,
through Secretary Education, Dehradun.
- (2) District Education Officer, Pithoragarh.
- (3) Additional District Education Officer (Basic)
Pithoragarh.
- (4) Sri Gajendra Singh Saun,
Additional District Education Officer (Basic)
Pithoragarh.

..... Respondents.

Hon'ble Prafulla C. Pant, J.

Heard Sri M.C. Pande, learned counsel for the
petitioner and Sri N.P. Sah, learned Standing Counsel for the
respondents.

(2) By means of this writ petition, the petitioner has sought following reliefs:

- (i) *Issue a writ, order or direction in the nature of Mandamus by commanding the respondents to transfer the petitioner to any one of Primary Schools namely Panda, Huraiti, Rae, Puneri, Aincholi, Muspati, Takari And Takana within the District Pithoragarh or to attach her in the office of District Basic Education Officer, taking into consideration her physical and family conditions.*
- (ii) *Issue a writ, order or direction in the nature of certiorari by quashing the transfer order dated 06.08.2007 (Annexure no. 17) by which the petitioner has been transferred to Junior High School Kotakharik, Munsiyari, District Pithoragarh.*
- (iii) *Pass any other writ, order or direction under the circumstances of the case the as the Hon'ble Court may deem fit and proper.*
- (iv) *To award the cost of the petition to the petitioner.*

(3) The order dated 06.08.2007, which is challenged in this writ petition, is in fact an order of promotion of the petitioner. Learned counsel for the petitioner submitted that the petitioner is a disabled person after she met an accident.

Various papers are filed with the writ petition in support of said fact. In substance petitioner, in fact, is ready to forego the promotion, as she is unable to cover distances on foot due

to the disability from which she is suffering. It is further submitted on behalf of the petitioner that petitioner has completed 55 years of age.

(4) Learned counsel for the parties agree that this writ petition may be disposed of directing Additional Director, Kumaun Mandal, to decide the representation of the petitioner, who may consider her grievances.

(5) Having heard learned counsel for the parties and after going through the papers on record, this writ petition is summarily disposed of with the direction that the petitioner may make a representation to Additional Director, Kumaun Mandal, Nainital, within a period of ten days from today and said authority shall decide the representation made by the petitioner within a period of one month from the date certified copy of this order is produced before him and if the authority is satisfied with the facts alleged by the petitioner it may direct respondent no. 4 as it thinks proper, regarding posting of the petitioner.

(Prafulla C. Pant, J.)

Dt.11.10.2007.
NS